

M I N U T E S
SCOTTSDALE CITY COUNCIL
CITY COUNCIL MEETING
Tuesday, August 26, 2003

**The Kiva
City Hall
Scottsdale, Arizona**

MINUTES
SCOTTSDALE CITY COUNCIL
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Tuesday, August 26, 2003

CALL TO ORDER (IN CITY HALL KIVA FORUM)

Mayor Manross called to order the Regular Meeting of the Scottsdale City Council on Tuesday, August 26, 2003 in the Kiva, City Hall, at 5:11 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Ned O'Hearn
Council Members David Ortega, Tom Silverman, Robert Littlefield,
Wayne Ecton, and Cynthia Lukas

Also Present: City Manager Jan Dolan
City Attorney Brad Woodford
City Clerk Sonia Robertson

Public Comment

Norwood Sisson, 7431 E. Portland, thanked City Clerk Sonia Robertson for heading a department that readily provides him with assistance.

Minutes

SPECIAL MEETINGS

June 9, 2003
June 23, 2003
July 1, 2003

REGULAR MEETINGS

July 1, 2003
July 2, 2003

EXECUTIVE SESSIONS

April 21, 2003
May 19, 2003
June 2, 2003
June 3, 2003
June 9, 2003
June 23, 2003

COUNCILMAN TOM SILVERMAN MOVED TO APPROVE THE SPECIAL MEETING MINUTES FROM JUNE 9, 2003, JUNE 23, 2003, AND JULY 1, 2003; REGULAR MEETING MINUTES FROM JULY 1, 2003 AND JULY 2, 2003; AND EXECUTIVE SESSION MINUTES FROM APRIL 21, 2003, MAY 19, 2003, JUNE 2, 2003, JUNE 3, 2003, JUNE 9, 2003, AND JUNE 23, 2003. COUNCILWOMAN LUKAS SECONDED THE MOTION WHICH CARRIED 7/0.

Consent Agenda

1. Eckerd Drugs #5339 Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new drugstore location.

Location: 10010 N. Scottsdale Rd.

Reference: 41-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

2. 3 Margaritas Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an establishment previously operating under the business name Coco's, also with a series 12 (restaurant) license.

Location: 7388 E. Shea Bl.

Reference: 43-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

3. Sassi Ristorante Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer series 6 (bar) State liquor license for a new restaurant location.

Location: 10455 E. Pinnacle Peak Parkway

Reference: 45-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

4. Brazeiro Steakhouse Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant located in Scottsdale Fashion Square.

Location: 7014 E. Camelback Rd.

Reference: 46-LL-2003

Staff Contacts: Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

5. REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION. SEE PAGE 7

6. Baguettes Bistro Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a Series 7 liquor license.

Location: 14362 N. Frank Lloyd Wright Bl.

Reference: 49-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619,
jefisher@ScottsdaleAZ.gov

7. REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION. SEE PAGE 7

8. CONTINUED UNTIL MONDAY, SEPTEMBER 9, 2003. SEE PAGE 6

9. CONTINUED UNTIL MONDAY, SEPTEMBER 9, 2003. SEE PAGE 6

10. Whisper Rock, Unit 4 Final Plat

Request: Approve a Final Plat of 7 residential lots on a 21-acre parcel.

Location: Southeast corner of Hayden Rd. & Ashler Hills Dr.

Reference: 16-PP-2002

Staff Contacts: Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

11. CONTINUED UNTIL MONDAY, SEPTEMBER 9, 2003. SEE PAGE 6

12. CONTINUED UNTIL MONDAY, SEPTEMBER 9, 2003. SEE PAGE 6

13. CONTINUED UNTIL MONDAY, SEPTEMBER 9, 2003. SEE PAGE 6

14. Aquila at McDowell Mountain Ranch Abandonment

Request: Adopt Resolution No. 6340 affirming the approved abandonment case.

Location: South side Bell Rd. between 98th St. & 100th St.

Reference: 1-AB-2002

Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

15. Abandonment of Right-of-Way

Request to consider the following:

1. Abandon the south 15 feet of the south 40 feet of Black Mountain Road, and the west 20 feet of the west 40 feet of 81st Street.
2. Reserve public utility easements over, under and across the subject right of way and roadway easement.
3. Adopt Resolution 6350 vacating and abandoning a portion of right of way and roadway easement.

Location: E. Black Mountain Rd./N. 81st St. (SE)

Reference: 6-AB-2003

Staff Contact(s): Pete Deeley, Project Coordination Manager, 480-312-2554, pdeeley@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

16. WITHDRAWN. SEE PAGE 7

17. Osborn Commons Site Plan Amendment

Request to:

1. Approve a site plan amendment to 52-ZN-1997 on a 1.7 +/- acre parcel located at the northwest corner of Osborn Road and Bishop Lane with Downtown/Office Commercial Type 2 (D/OC-2) zoning.
2. Adopt Ordinance No. 3523 affirming the above site plan amendment.

Location: E. Osborn Rd./N. Bishop Ln. (NW)

Reference: 52-ZN-1997#2

Staff Contact(s): Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

18. Camelback Rezone

Request for approval:

1. To rezone from Single Family Residential (R1-7) to Service Residential (S-R) on a 19,950 square foot area located at 7536, 7542 & 7548 E Camelback Road.
2. To adopt Ordinance No. 3522 affirming the above rezoning.

Location: 7542 E. Camelback Rd.

Reference: 4-ZN-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

19. Mirage Trail General Plan Amendment

Request:

1. To approve a General Plan amendment from Commercial to Urban Neighborhood.
2. To rezone from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL) on a 5.1 +/- acre parcel located south of the Legends Trails Parkway and N Desert Ridge Drive.
3. To adopt Ordinance No. 3519 affirming the above rezoning.
4. To adopt Resolution No. 6328 affirming the above General Plan Amendment.

Location: South of the Legend Trails Parkway & Desert Ridge Drive

Reference: 1-GP-2003 & 43-ZN-1990#2

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

20. Intergovernmental Agreements (IGAs) Nos. 2003-131-COS and 2003-132-COS, accepting grant funding to conduct an Airport Noise and Land Use Compatibility Study at Scottsdale Airport.

Request: Adopt Resolution No. 6357, authorizing IGA No. 2003-131-COS with the Federal Aviation Administration (FAA) accepting grant no. 3-04-0032-18 for \$273,180; and

Authorizing IGA No. 2003-132-COS with the Arizona Department of Transportation (ADOT) accepting a grant for \$13,410. The total grant funding of \$286,590 will be used with \$23,410 of Aviation Enterprise funds to fund an Airport Noise and Land Use Compatibility Study. The Study is anticipated to cost \$310,000. The issues involved in the study are of key importance to the City Council and citizens of Scottsdale.

The Airport Noise and Land Use Compatibility Study was anticipated and included in the FY 2003/04 adopted Capital Improvement Plan budget. The study is expected to be completed within 16 months by Gilbertson Associates. Gilbertson Associates is currently under contract with the City of Scottsdale (Contract no. 2001-254-COS, November 4, 2002).

Staff Contact(s): Scott T. Gray, Aviation Director, (480) 312-7735, sgray@scottsdaleaz.gov; John Little, Transportation General Manager, 480-312-2539, jlittle@scottsdaleaz.gov

COUNCILMAN SILVERMAN MOVED TO APPROVE ITEMS 1, 2, 3, 4, 6, 10, 14, 15, 17, 18, 19, AND 20. COUNCILWOMAN LUKAS SECONDED THE MOTION WHICH CARRIED 7/0.

CONTINUANCES

- 8. Streetlight Improvement District for Trails North at Horseman's Park**
Request: Adopt Resolutions No. 6348 and No. 6349, creating a Streetlight Improvement District.
Location: between 98th & 100th St., south of Bell Road
Reference: 4-PP-2002#2
Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov
- 9. Trails North at Horseman's Park Final Plat**
Request: Approve a Final Plat for 112 residential lots on a 40+/- acre parcel.
Location: between 98th & 100th St., south of Bell Road
Reference: 4-PP-2002#2
Staff Contact(s): Kurt Jones, Interim Current Planning Director, 480-312-2524, kjones@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov
- 11. DC Ranch Parcel 1.13 Final Plat**
Request: Approve a Final Plat for DC Ranch Parcel 1.13.
Location: Planning Unit 1 at DC Ranch - Parcel 1.13
Reference: 3-PP-2003
Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov
- 12. DC Ranch Parcel 1.14 Final Plat**
Request: Approve a Final Plat for 77 residential lots on a 22 +/- acre parcel.
Location: Southeast corner of 94th St. & Union Hills Dr.
Reference: 7-PP-2003
Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov
- 13. DC Ranch Parcel 1.11 Final Plat**
Request: Approve the Final Plat for 87 residential lots on a 37+/- acre parcel.
Location: East side of 94th St. between Union Hills Dr. & Bell Rd.
Reference: 8-PP-2003
Staff Contacts: Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

COUNCILWOMAN LUKAS MOVED TO CONTINUE ITEMS 8, 9, 11, 12, AND 13 TO SEPTEMBER 9, 2003. COUNCILMAN ORTEGA SECONDED THE MOTION WHICH CARRIED 7/0.

WITHDRAWAL

16. Mountainside Fitness Express Conditional Use Permit

Request: Approve a conditional use permit for a health studio in a portion of the 11.96 +/- acre parcel located at 9181 E. Bell Road with Industrial Park (I-1) zoning.

Location: 9181 E. Bell Rd.

Reference: 6-UP-2003

Staff Contact(s): Al Ward, Senior Planner, 480-312-7067, award@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

ITEM 16 WAS WITHDRAWN BY STAFF. NO FURTHER ACTION IS REQUIRED.

ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION

5. Marco Polo Supper Club Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.

Location: 8608 E. Shea Bl.

Reference: 47-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

Councilman Ecton expressed concern over the possible approval of this license due to the background of the people involved in the business. He emphasized that it continues to bother him that the city approves licenses for people who have a history of violations.

Detective Michael Fritz explained that the owner has had ownership interest in several businesses within the city since the 80's. Although the owner has a misdemeanor DUI charge, according to state liquor laws and the city ordinance, it is not a deniable offense. He explained that past violations have been satisfied. Based upon the current laws, the city has no grounds to deny him the license.

COUNCILMAN ORTEGA MOVED TO FORWARD A FAVORABLE RECOMMENDATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL FOR A SERIES 12 (RESTAURANT) STATE LIQUOR LICENSE FOR AN EXISTING RESTAURANT LOCATION. COUNCILMAN SILVERMAN SECONDED THE MOTION WHICH CARRIED 6/1 (W.E.).

7. AJs 63 Liquor License Transfer

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer of a series #6 (bar) State liquor license for a retail grocery store currently operating with a series 09 (liquor store) license.

Location: 7141 E. Lincoln Dr.

Reference: 51-LL-2003

Staff Contact(s): Jeff Fisher, Plan and Permit Services Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

Mayor Manross explained that this item was erroneously pulled from the consent agenda since the individual who submitted a comment card didn't wish to speak unless the item was opposed.

COUNCILWOMAN LUKAS MOVED FOR APPROVAL OF ITEM 7. COUNCILMAN ORTEGA SECONDED THE MOTION WHICH CARRIED 7/0.

REGULAR AGENDA

21. 5th Avenue Parking Municipal Use Master Site Plan

Request: Approve a municipal use master site plan for a parking garage on a 1.6 +/- acre parcel located at 7143 E 5th Avenue with Central Business (C-2) zoning

Location: 7143 E. 5th Avenue

Reference: 4-UP-2003

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

PLEASE REFER TO ITEM 22 FOR THE PRESENTATION, DISCUSSION, AND MOTION SINCE BOTH ITEMS ARE SO CLOSELY RELATED AND WERE DISCUSSED TOGETHER.

22. Old Town Parking Municipal Use Master Site Plan

Request: Approve a site selection process for parking in the Old Town for construction of parking at either the northwest corner of 2nd Street and Brown or for the approval of a municipal use master site plan for a parking garage on a 2.45 +/- acre parcel located at 7335 E. Main Street with Central Business (C-2) and Highway Commercial (C-3) zoning.

Reference: 9-UP-2003

Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov; Kroy Ekblaw, 480-312-7064, Planning & Development Services General Manager, kekblaw@scottsdaleaz.gov

Ed Gawf presented a slide presentation for items 21 and 22, which is outlined below.

Downtown Scottsdale Parking Two Council Actions Requested

-5th Avenue Parking Municipal Use Master Site Plan (4-UP-2003)

-Approve the municipal use master site plan for a parking garage in the 5th Avenue District.

-Old Town Parking Facility (9-UP-2003)

-Approve a site for a parking facility in the Old Town District at the southwest corner of 2nd Street and Brown Avenue, instead of approving a municipal use master site plan relating to the extension of the existing Civic Center Garage.

Downtown Scottsdale Parking

Last Council Check-in, October 2002

-Presented 4-District Downtown Parking Plan

-Demonstrated Parking Need In 2 Districts

-Fifth Ave District

-Old Town District

-Recommended Parking Facilities With \$9.6 Million Estimated Budget

Downtown Scottsdale Parking Council Feedback, October 2002

- Continue With 5th Avenue District Facility Design
- Conduct a Site Selection Process to Determine a Final Site For a Parking Facility in the Old

Town District

- Add User Amenities to Both Facilities (E.g., Restrooms, Drinking Fountains etc.)
- Keep Architectural Design in Context with District Character

5th Avenue District

Site Location

- Located Between:
- 5th Avenue to the North, and 3rd Avenue to the South
- Scottsdale Road to the East and Craftsman Court to the West
- Parcel Size: 1.6 +/- Acres
- Opportunities

5th Avenue District

Public Feedback, May 2003

- Make It Safe and Attractive, and Provide Shade On Top Level
- Keep Building Height to a Minimum, and Within 36' Zoning
- Incorporate Services Like Trolley Stops, Water Fountains, and Restrooms
- We Need Parking Now! Build It Now, Don't Wait Any Longer

5th Avenue District

Planning Commission Recommendation

- Recommended Approval of Municipal Use Master Site Plan Subject To Following Stipulations:
 - ◆The City Initiate A Rezoning To Downtown To Increase The Height Limit To Allow For A Multi-Use Site.
 - ◆Within Three Months Of The Approval By The City Council The City Shall Initiate A Request For Proposal To Develop A Municipal Garage With A Multi-Use On The Site With A 60 Day Response To The Request For Proposal.

5th Avenue District

Commission Recommendation Impacts

- Schedule and Design Impacts
 - ◆Adds Minimum 12 Months to Construction Schedule
- Additional Development Requires Additional Parking
 - ◆Build Additional Underground Levels
 - ◆Build Fewer Public Spaces
 - ◆Exceed 36' Height Limit
- Developer Interest Deterred by 36' Height Limit

5th Avenue District

Final Staff Recommendations

- Add 219+ New District Spaces
- ◆ New Garage Capacity 400+;
- ◆ Will Incorporate Existing 181 Lot Spaces
- Maintain 36' Zoning Height: One Level Underground, Two Levels Above Grade
- Include Restrooms, Drinking water, and Bicycle Security
- Explore Security Camera Use, and Shade on Top Level
- Begin Construction April 2004

Councilman Ortega questioned the expense and maintenance of placing one story below grade. Mr. Gawf confirmed it would add approximately \$300,000 to the cost of the garage. Some of the expense would be for excavation and some for venting, etc.

Councilman Ecton questioned the cost of building two levels below grade. Mr. Gawf explained that each level underground would be more expensive. He explained that staff did look at placing three levels below with hardscape landscaping on top. This would produce fewer spaces (314) with the cost of a little over \$8 million due to the structure that would be needed to ensure it would be structurally sound. He stated his belief that above ground parking would be appropriate in this area due to the surrounding commercial properties. He also explained that people are less likely to use the lower parking if more than one level were built underground.

Councilman Silverman mentioned that there is another option to build the lower level one-half level down since it would eliminate the need for ventilation and allow some level of natural lighting. Mr. Gawf confirmed that this is an option; however, the parking level wouldn't be at grade with the surrounding area. If the garage were built one half level down, people would have to go up and down stairs to and from the garage area. Mr. Gawf pointed out that there are a lot of things the city could do to make the first level below grade more inviting such as painting, proper lighting, etc.

Old Town District

Site Selection Process

- Initiated and Completed Public Site Selection Process
- Analyzed Three City Owned Sites:
 - ◆ 1. Pepperwood Lot
 - ◆ 2. 2nd Street and Brown Avenue Lot
 - ◆ 3. Civic Center Garage Site
- Conducted Two Open Houses, Numerous Small Group Presentations and Individual Discussions

Old Town District

Civic Center Site

- Improved Access to Existing Facility - Improves Utilization
- Best Use of Site - Not Well Suited for Other Uses
- Consolidation of Parking Promotes Operational Efficiency
- Least Costly of Alternatives to Meet Program Requirement
- More Integrated Planning Needed for Entire Civic Center Site.

Old Town District

Public Feedback, May-June 2003

■Preferred 2nd /Brown Site as Choice

- ◆Best Access/Visibility: Entrance/Exit on 1st and 2nd Streets - Coincide with District Circulation via Scottsdale Rd. and Both Couplets
- ◆Liked the Shaded Public Sidewalk Area to Support Pedestrian Daytime Vitality
- Put Facility Underground and Allow Natural Light In
- Keep in Context with Western Theme and Building Heights

Old Town District

Staff Final Recommendations

- Add +/- 175 New District Parking Spaces
- ◆+/- 240 Space Two Level Facility at SW Corner of

2nd Street/Brown Avenue

- ◆Incorporate Existing 88 spaces, and 35 Noriega Spaces
- Improve the Existing Civic Center Garage and
- ◆Reconfigure to Add +/- 48 Spaces, Paint Interior to Brighten,
- ◆Explore Addition of Elevators, Security Cameras, Signage, and Top Floor Shade
- Improve 1st Street Civic Center Garage Entrance

Downtown Scottsdale Parking Next Steps – Both Facilities

- | | |
|---|----------|
| ■DRB Review | Nov 2003 |
| ■Finish Architectural & Structural Design | Feb 2004 |
| ■Complete Construction RFP Process | Mar 2004 |
| ■Begin Construction | Apr 2004 |

Council Actions Requested
Fifth Avenue District

-Approve the municipal use master site plan for a 400+ space public parking garage (1 Level Below Grade, Surface, and 2 Levels Above Grade), on the 1.6+/- acre parcel located at 7143 E. 5th Avenue

Old Town District

- Approve the City Owned Site, Located at the Southwest Corner of 2nd Street/Brown Avenue, for Use as a +/- 240 Space Parking Facility (One Level Below Grade and Surface Level)
- Continue Work Necessary to Begin Construction in April 2004, and to Include:
- Rehabilitation of the Existing Civic Center Garage (add spaces, enhance safety and access)
- Improvements to the Civic Center Garage 1st Street Entry

Old Town District

Garden Level Design Issues

- Fewer Pedestrian Access Points at Street Level
- Alleyway must be maintained for Truck Deliveries
- Ramp Alley Up and Over Structure
- Turn Alley South into Stable
- Turn Alley North onto Surface Deck and Loose Spaces

Mayor Manross opened public testimony for both items 21 and 22.

Patty Badenoch, 5027 N. 71st Place, urged Council not to build the garage at 5th and 3rd above 36' or place residential on the structure. The site located at Pischke's should reflect the character of the area. She stressed her belief that the garage should reflect the city's western heritage.

John Eby, 3007 N. 73rd Street, spoke as a representative of over thirty downtown property owners. He expressed concern that parking has been delayed long enough and the discussion of the retail and residential units would delay the project further. He felt the retail would be difficult to lease as well. He stated his belief that the residential units would be noisy and result in complaints from residents. He urged Council not to wait for additional studies to build the parking garage since it is needed now.

In response to questions from Councilman Ortega, Mr. Eby explained that he felt that it would be difficult to get some people to park in a lower level due to security concerns especially at night.

Darlene Petersen, 7327 E. Wilshire, explained her belief that the city needs to proceed on the parking garage on 5th Avenue. She agreed that the proposed residential units on top of the garage would generate a number of complaints by residents. She urged Council to be careful about heights and urged Council to leave the Civic Center garage alone with the exception of painting it.

Sam West, 8160 N. Hayden, J-210, stated that he was involved as the co-chair of the Downtown Task Force. He explained that the Task Force recommended that the garage be built at Brown Ave. He stated his belief that there is more value to the city if there was a way to construct the garage underground. He urged Council to design the structure under 36' in height and eliminate residential. He noted that by taking the gross sales in the downtown area and divide it by the number of parking spaces in the downtown area, each space equates to \$43,000 in sales per year. He stated his belief that this figure must be considered when reviewing the parking shortage and necessary expenses for the creation of additional spaces. He urged Council to maintain the character of the area when designing the Old Town parking structure. He felt the garage should be two stories underground.

Susan Wheeler, 9616 E. Kalil, stressed that a garage with three levels of parking in the downtown would change the character of the area. She felt that the 36' maximum must be maintained. She stated her belief that the 5th Avenue garage should be three stories with one of them underground. She also urged Council to construct a two level garage underground with a horse barn on top perhaps to house the mounted police to provide security.

Frank Maguire, 7121 E. 5th Avenue, spoke as a representative for the Fifth Avenue Merchants Association. He stressed that there is a great need for parking in the downtown area. He questioned if condos would work and sell on top of a public parking structure. Most importantly, he felt it is time to get started on this project by April.

JoAnn Handley, 6813 E. Monterey Way, explained that the city needs parking on Second Street, although she would rather not park underground. She urged Council to build two levels with one above ground. She stated her desire to see the Civic Center garage torn down, redesigned, and rebuilt.

Lois Fitch, 1229 N. Granite Reef Road, stressed that the city is identified with horses and western heritage. She urged the city to build the garages with that in mind.

Marilynn Atkinson, 3957 N. Brown Avenue, read a letter on behalf of the Old Town Merchants Association supporting a new structure at 2nd Street and Brown Avenue. Old Town's position supports one half down and two half levels above, no retail, no residential on top, with no elevator shaft.

In response to questions from Vice Mayor O'Hearn, Ms. Atkinson explained that the group's position of endorsing one half level down instead of a full level down was partly due to security concerns.

Mayor Manross questioned if the city's budget provides for one-half level down and two levels up. Mr. Gawf confirmed that the budget does not provide for a total of three levels. The city is proposing around 200 parking spaces in Old Town. He stated that the additional spaces along with clarification on the entrance to the Civic Center parking garage would address the needs of the area.

Mr. Gawf confirmed for Councilman Silverman that the city would not allow any of the new parking spaces in the proposed garages to be used to meet parking requirements for new bars in area.

Councilman Silverman expressed his belief that the city should not include any retail or housing components in any of the parking structures. He also stated his support of designing the Old Town garage with the lower level at one half level below rather than a full level underground.

Councilman Ortega estimated the height of the Fifth Avenue structure if three levels were constructed above ground at approximately 34' and would save money on excavation. Mr. Gawf agreed that it clearly would meet the 36' height limitation.

Councilman Ortega stated his belief that the city should not be planning on placing residential units on top of the 5th Avenue parking structure. He encouraged the city to consider preparing an RFP for residential units on the Rose Garden property. As far as the Civic Center garage, he stated his desire to see the city re-stripe the garage and add an archway to the structure.

Councilwoman Lukas expressed concern that no community support was received for the proposed residential units on the 5th Avenue garage. She questioned if a later adaptation could occur at the 5th Avenue garage if, at a later time, the community wished to add a residential component to the structure. Mr. Gawf explained that it wouldn't be feasible since a decision would have to be made now as to whether to design the structure to withstand the vibration and the additional weight.

Councilman Ecton explained that other cities have a lot of underground parking and don't have the reputation as being as safe as Scottsdale. While he stated that he appreciates the concern; however, he felt the safety issue is more perception than reality. He stated his support for the Brown Avenue location designing one level underground and one above ground with the possibility of doing something different sometime down the road.

Councilman Ecton stated his preference to place four levels of parking underground at the 5th Avenue location with perhaps residential units on the surface. He questioned the cost of the underground levels. Mr. Gawf explained that the estimates are rough estimates. He noted that the cost for underground levels is significantly more than above ground levels due to costs involved with excavation and the reinforced structural support needed for a park or residential units to be placed on top of the structure.

COUNCILMAN ORTEGA MOVED TO APPROVE ITEM 21 CASE 4-UP-2003 WHICH WOULD CONSIST OF A THREE-LEVEL ABOVE GRADE PARKING GARAGE UNDER 36' IN HEIGHT. COUNCILMAN ECTON SECONDED THE MOTION (WHICH CARRIED 7/0).

Vice Mayor O'Hearn explained that most of the issues discussed by the Planning Commission were addressed by Mr. Gawf. He summarized the issues as including: 1) timing, 2) ideal goals, 3) retail factor, and 4) a park designed on the top of the garage. He noted that although he likes the idea of a park, in practicality, it isn't feasible. He agreed that the height restriction of 36' maximum is important, although he urged that there be some aesthetic appeal for the 5th Avenue parking structure.

Mayor Manross explained that her main concern is that the structure looks appropriate in the area and is not delayed. She thanked the Planning Commission for their work and ideas they put forth.

Councilwoman Lukas stated that she would support the motion. She felt it was important that the structure isn't delayed while the three-story structure above ground would meet the needs of the area and, at the same time, be less expensive than underground levels.

Following the discussion, THE MOTION FOR ITEM 21 CARRIED 7/0.

Councilman Silverman stated his belief that it is appropriate that the garage be constructed one-half level underground instead of a full level. He felt the advantage of natural light is worth considering. He reminded everyone that the Old Town Merchants group overwhelmingly supports the structure with one-half level underground.

In response to questions from Mayor Manross, Mr. Gawf explained that it is possible to design the structure to allow natural light into the lower level even if it were a full level underground. He also emphasized that other factors also impact the atmosphere of a lower level such as paint, lighting, etc.

COUNCILMAN SILVERMAN MOVED TO **AUTHORIZE** FUNDS FOR THE OLD TOWN PARKING STRUCTURE AT SECOND STREET AND BROWN TO BE BUILT ONE-HALF LEVEL BELOW GRADE AND ONE-HALF LEVEL ABOVE GRADE. COUNCILWOMAN LUKAS SECONDED THE MOTION.

Councilman Ortega suggested that the motion include re-stripping of the Civic Center parking garage, the archway design, and designated parking for employees with an 8-hour limit.

Mayor Manross expressed concern over restricting parking for employees since parking should be open and accessible to everyone. Ms. Dolan explained her belief that, although it is something that needs to be considered at a future date, it is more important to move ahead with design and construction of the parking garages.

Mayor Manross explained that she still supports staff's recommendation.

COUNCILMAN SILVERMAN AMENDED THE MOTION TO INCLUDE RE-STRIPPING OF THE CIVIC CENTER PARKING GARAGE AND THE ARCHWAY DESIGN. AS THE SECONDER, COUNCILWOMAN LUKAS ACCEPTED THE AMENDMENT.

Vice Mayor O'Hearn questioned if by supporting one-half level underground, the merchants wish to drive a stake into the possibility of building on top of the structure. Ms. Dolan agreed that she believes the merchants are looking to eliminate the possibility of future development on the parking structure. She noted that, in some ways, they are right. She cautioned that although the merchants of today don't want that to happen, the merchants twenty years from now might feel differently. She explained that it would make it difficult to use this site for its full potential.

Vice Mayor O'Hearn explained his belief that going one floor down and one floor up makes more sense.

In response to a request from Councilwoman Lukas, Ms. Atkinson confirmed that security concerns are part of the issue; however, the merchants don't want the city to place retail spaces on the lot.

Councilman Ecton questioned if the half level underground would preclude the ability to add more parking on top. Mr. Gawf asked the architect that looked at the various options for the city to speak to the issue. Mike Schmidt explained that his firm hasn't actually studied a specific scheme where levels are added to the top of an existing split-level garage. He noted, however, that it would be difficult to do in this instance. To make a ramping scheme work in this garage would be difficult.

Councilman Silverman explained that this is a "deal killer" for him whereas he cannot support his own motion with this new information.

Councilman Ortega explained that the downtown guidelines are basically pedestrian friendly. He questioned if a concrete band would be visible from either Brown Avenue or Second Street due to the garage design. Mr. Schmidt explained that the sloping wouldn't be visual; however, you would be looking into the "throat" of the entrance of the garage from Second Street.

COUNCILMAN SILVERMAN WITHDREW HIS MOTION. COUNCILWOMAN LUKAS CONCURED.

COUNCILWOMAN LUKAS MOVED TO APPROVE 9-UP-2003 WHICH IS FOR THE OLD TOWN PARKING GARAGE (ITEM 22) AT THE BROWN AVENUE SITE PER STAFF'S RECOMMENDATION, INCLUDE RE-STRIPPING OF THE CIVIC CENTER GARAGE, AND THE ARCHWAY OPTION. COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED 7/0.

Public Comment

Darlene Petersen, 7237 E. Wilshire, clarified that when she speaks at the various meetings, she speaks for herself unless otherwise stated.

City Manager's Report - None

Mayor and Council Items

Vice Mayor O'Hearn requested that Council consider revisiting one of the Design Review Board's cases. Design Review Board number 36-DR-2003 for the Dream Center site plan and elevations.

Councilman Ortega requested that staff prepare an outline for a possible RFP for the Rose Garden site to increase parking and provide additional residential housing.

Adjournment

With no further business to discuss, Mayor Manross adjourned the meeting at 8:07 P.M.

SUBMITTED BY:

Ann Eyerly, Council Recorder

REVIEWED BY:

Sonia Robertson, City Clerk

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 26th day of August 2003.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this _____ day of August 2003.

SONIA ROBERTSON
City Clerk